

JASON M. FRIERSON  
United States Attorney  
Nevada Bar No. 7709  
DANIEL R. SCHIESS  
Assistant United States Attorney  
Nevada Bar No. 5483  
501 Las Vegas Blvd. South, Ste. 1100  
Las Vegas, Nevada 89101  
Phone: 702-388-6336  
Email: dan.schiess@usdoj.gov  
*Attorneys for the United States of America*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA A. MARTINEZ,

Defendant.

Case No.: 2:21-CR-219-APG-DJA

**STIPULATION AND PROPOSED  
ORDER TO EXTEND DEADLINE FOR  
GOVERNMENT'S RESPONSE TO  
DEFENDANT'S MOTION TO  
SUPPRESS (ECF 36)**

It is hereby stipulated and agreed, by and between Jason M. Frierson, United States Attorney, through Daniel R. Schiess, Assistant United States Attorney, representing the United States of America, and Joanne Diamond, Esq., representing Defendant Joshua A. Martinez, that the Government's deadline to respond to Defendant's Motion to Suppress, ECF No. 36, be set for October 14, 2022.

This Stipulation is entered into for the following reasons:

1. The parties filed a Stipulation to Continue Motion Deadlines and Trial Dates (Fourth Request) on July 29, 2022, therein agreeing that the Government's deadline to respond to defendant's pretrial motions would be November 21, 2022. ECF 34. The Court granted the stipulation and set the Government's deadline for responses for that date. ECF 35.

2. Defendant filed his Motion to Suppress on August 18, 2022. ECF 36.

3. The Local Rules provide that responses to pretrial motions must be filed and served within 14 days from the date of service of the motion. LCR 12-1(a)(2).

4. The Local Rule apparently conflicts with the stipulation of the parties and the Court's order setting the response deadline for November 7, 2022. The order granting the stipulation is a specific case-related order, while the Local Rule is a generally applicable rule.

5. The Government needs additional time to respond to defendant's motion to suppress given the scope and nature of the motion and undersigned counsel's caseload.

6. In order to reach certainty in the face of the conflict, the parties enter this stipulation.

7. The parties agree that the Government's deadline to respond to defendant's Motion to Suppress, ECF 36, will be set for October 14, 2022.

8. The parties further agree that defendant's deadline for filing a reply to the Government's response will be set for October 28, 2022.

9. The defendant has no objection and agrees to the additional time requested by this stipulation.

DATED this 30<sup>th</sup> day of August 2022.

JASON M. FRIERSON  
United States Attorney

By: /s/ Daniel R. Schiess  
DANIEL R. SCHIESS  
Assistant United States Attorney

By: /s/ Joanne Diamond  
JOANNE L. DIAMOND, ESQ.  
Counsel for Defendant  
JOSHUA A. MARTINEZ

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 JOSHUA A. MARTINEZ,

7 Defendant.

Case No.: 2:21-cr-00219-APG-DJA

**PROPOSED ORDER**

8  
9 **ORDER**

10 Based on the pending Stipulation between the Government and defense, and good cause  
11 appearing, IT IS HEREBY ORDERED that

12 1. The Government's deadline to respond to Defendant's Motion to Suppress,  
13 ECF 36, is set for October 14, 2022.

14 2. The Defendant's deadline to reply to the Government's response is set for  
15 October 28, 2022.

16 DATED this 31st day of August, 2022.

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19 By:   
20 UNITED STATES MAGISTRATE JUDGE  
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